

REMARKS

Claims 1-5, 7-10 and 13-23 have been cancelled without prejudice. New claims 24-28 have been added to clarify and more fully claim the invention. Support for new claim 25 can be found in the specification for example at paragraphs [0032] and [0079]. Support for new claims 26 and 28 can be found through the specification for example at paragraphs [0032] and [0079] and in Table 2. Support for new claim 27 can be found at paragraph [0056] of the specification. It is believed that none of these amendments institute new matter and their entry is requested.

SPECIFICATION

Applicant has deleted the hyperlink in paragraph [062] as requested in the Office Action and replaced it with a reference to the associated entity.

Applicant has deleted paragraph [0094] of the specification that was objected to as containing blank spaces, in lieu of the Declaration under 37 CFR 1.808 regarding deposit of specific vectors/microorganisms submitted herein.

DRAWINGS

The Examiner has objected to Figure 6 submitted December 17, 2003 as missing a complete label for the x-axis. Applicant notes that Figure 6 submitted on December 17, 2003 included the indicated x-axis label and suggests that it may have been "lost" during the scanning process at the USPTO. Nevertheless, in the hope of expediting resolution of this issue, Applicant is submitting herewith an exact copy of Figure 6 that was filed with the present application.

35 USC § 112, second paragraph

Claims 3, 6, 11 and 12 have been rejected in the Office Action under 35 USC § 112, second paragraph, as being indefinite for failing to particularly print out and distinctly claim the

subject matter of the invention. Specifically, claim 3 was rejected for lack of deposit number. Claim 3 has been cancelled. Therefore, withdrawal of this rejection is requested.

Claim 6 has been rejected as indefinite. Applicant appreciates the Examiner's clarification of basis for this rejection and has amended claim 6 in order to make the required correction and more clearly state the claimed subject matter.

Claim 11 has been rejected as indefinite. Applicant has corrected claim 11 (and claim 12) in order to clarify that it is a transformed microorganism comprising the plasmid of claim 6 that is being claimed.

Claim 12 has been rejected as indefinite for recitation of "any genetic variants". Applicant has amended claim 12 in order to clarify that it is mycobacterial genetic variants of the recited mycobacterium strains, and any subspecies, that are being claimed.

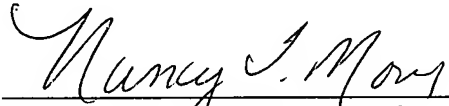
35 USC § 112, first paragraph

Claims 3, 6, 11 and 12 have been rejected under 35 USC § 112, first paragraph, for lack of enablement. Applicant's attorney hereby states that the specific vector recited in the pending claims, pBUN276, was deposited in accordance with the Budapest Treaty, with the American Type Culture Collection (ATCC), at 10801 University Boulevard, Manassas, Virginia 20110-2209, USA. The date of deposit was January 26, 2007, and on February 14, 2007 the deposit was tested and found viable. The ATCC number of the deposit is PTA-8190. The deposit will be available to the public under the conditions specified in 37 CFR 1.808.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims now presented are patentable over the prior art of record and therefore in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner

have any further questions or comments which need be addressed in order to obtain allowance,
please contact the undersigned attorney at the direct number listed below.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings is an exact copy of the original sheet for Fig. 6.